

REMARKS

Claims 1-18 are pending in the present application.

Unity of Invention Requirement

These claims have been subjected to Unity of Invention Requirement as follows:

Group I, claims 1-10, drawn to a mixture of a compound of formula I and an ethylene modulator II;

Group II, claims 11-13, drawn to methods for controlling rust infections by applying the mixture of claim 1;

Group III, claims 14 and 15, drawn to a process to increase yield by applying the mixture of claim 1;

Group IV, claims 16, drawn to a method for reducing ethylene evolution by applying the mixture of claim 1;

Group V, claim 17, drawn to a method for reducing undesired defoliation by applying the mixture of claim 1; and

Group VI, claim 18, drawn to a method for controlling harmful plant pathogens by applying Co^{++} ions in plant-available form.

Applicant elects Group I, i.e. claims 1-10, with traverse. The above Requirement is respectfully traversed, since there does not appear to be any significant undue burden placed on the Examiner to examine the non-elected Groups II-V which all recites uses of the elected mixture of Group I, or to examine non-elected Group VI which recites a use of an embodiment falling within the scope of claim 1. Further, all of the claims require the mixture of a compound of formula I and an ethylene modulator II which is a shared special technical feature.

Election of Species Requirement

The claims have been further subjected to an Election of Species Requirement Applicant elects: (1) "pyraclostrobin" as compound I; and (2) "inhibitors of the action of ethylene selected from the group consisting of structural analogs of ethylene" as the ethylene modulator II. If

species (2) is not sufficiently specific, Applicant elects "prohexadione-Ca" for ethylene modulator II.


The Election Requirement is respectfully traversed. It is submitted that the scope of formula I and the scope of the definition of ethylene modulators II are both reasonable in that no undue burden is placed on the Examiner to proceed to examine the entire scope of each of these terms. It is requested that upon identification of allowable subject matter the Examiner proceed to examine the entire scope of claim 1. It is also respectfully requested that the Election Requirement be withdrawn.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Andrew D. Meikle, Registration No 32,868, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: November 24, 2009

Respectfully submitted,

By 
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